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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. D-98-0029
)	
Cohen Marketing)	
International, Inc.)	
)	
Respondent)	Decision Without Hearing
)	By Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.; hereinafter referred to as the "Act"), instituted by a Complaint filed on September 10, 1998, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that during the period of December 1996 through December 1997, Respondent Cohen Marketing International, Inc., (hereinafter "Respondent") committed willful, flagrant and repeated violations of section 2(4) of the Act by failing to make full payment promptly to 46 sellers of the agreed purchase prices in the total amount of \$1,039,288.34 for 324 lots of perishable agricultural commodities, which it purchased, received and accepted, in interstate and foreign commerce. Complainant requests a finding that Respondent committed willful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. § 499b(4)). A copy of the complaint was served upon Respondent. Respondent subsequently filed an answer on October 15, 1998, denying the allegations. An oral hearing was scheduled for May 26, 1999.

Complainant and Respondent have now agreed to the entry of a Decision and Order as set forth herein. Therefore, pursuant to the consent decision provisions of the Rules of Practice (7

C.F.R. § 1.138), the following Decision and Order is issued without further procedure or hearing.

Findings of Fact

1. Respondent, Cohen Marketing International, Inc., is a New York corporation whose business and mailing address is 423-428 Row D, New York City Terminal Market, Bronx, New York 10474.

2. Pursuant to the licensing provisions of the PACA, license number 931754 was issued to Respondent on September 14, 1993. This license has been renewed annually and is next subject to renewal on September 14, 1999.

3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. As more fully set forth in paragraph III of the Complaint, during the period of December 1996 through December 1997, Respondent failed to make full payment promptly to 46 sellers of the agreed purchase prices in the total amount of \$1,039,288.34 for 324 lots of perishable agricultural commodities which it purchased, received and accepted, in interstate and foreign commerce.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 4, above, constitutes wilful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent committed wilful, repeated and flagrant violations of section 2(4) of the Perishable Agricultural Commodities Act (7 U.S.C. § 499b(4)), and that the

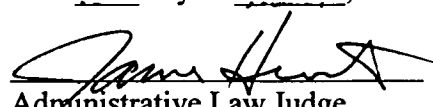
license of the Respondent is hereby revoked.

This order shall become effective 30 days after issuance.

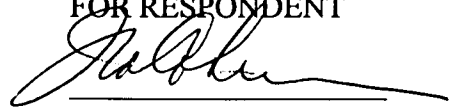
Copies hereof shall be served upon the parties.

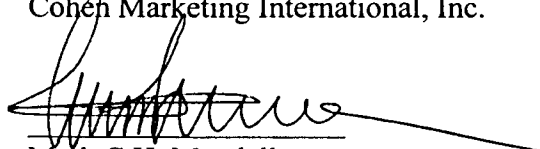
Issued at Washington, D.C.

This 11th day of May, 1999

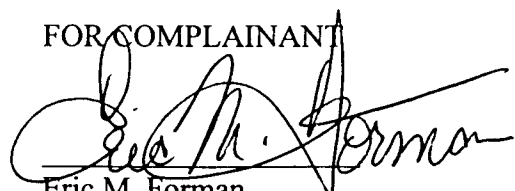

Administrative Law Judge

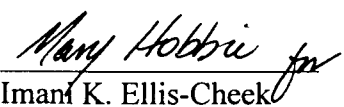
FOR RESPONDENT


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FOR COMPLAINANT


Eric M. Forman
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Agriculture Marketing Service


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